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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/651,185

08/28/2003

Martin Haueis

Haueis 4

8339

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7590

11/15/2006

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EXAMINER

TRAN, PABLO N

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/651,185	Applicant(s) HAUEIS, MARTIN	
	Examiner Pablo N. Tran	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-7, 9, 12-18, 20-22, and 26-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Amin et al. (2002/0094848A1).

As per claims 1, 4, 12, 14, 16-18, and 20, Amin et al. disclose a method of transmitting communication signals corresponding to a mobile station in a wireless communication system, wherein selecting one of a primary communication sub-system and a supplemental communication sub-system to carry the communication signals for the mobile station and transmitting the communication signals for the mobile station via the selected communication sub-system [0026-0028, 0030-0031], and wherein the wireless communication system includes the supplemental communication sub-system includes one or more supplemental transceiver units (fig. 4/no. 400, 72, 110, 120, 130) connected to a supplemental switching center (fig. 4/no. 460). Amin et al. further disclose the SSC has access to a public switched telephone network and is adapted to

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control operation of the one or more STUs and each STU has a primary function and is further adapted to support direct wireless communication link between the STU and at least one mobile station and wire-line communication link with the SSC [0026-0028, 0030-0031].

As per claims 3 and 13, Amin et al. disclose the system is configured to transmit voice communication system [0027, 0031].

As per claims 5, 12, and 26, as stated above in claim 1, Amin et al. further disclose each STU comprises a radio-frequency transceiver (fig. 4/no. 72) adapted to support the wireless communication link with the at least one mobile station and an interface adapted to support the wire-line communication link with the SSC (fig. 4).

As per claims 6, 15, and 27-30, Amin et al. disclose the STU is an appliance unit which further comprises a TV receiver and a display screen (fig. 4/no. 110) and the primary function is to receive TV programs for displaying on the display screen, the SSC is a distribution node of a cable service provider, and the interface comprises a cable modem (fig. 5).

As per claims 7, 21, and 31, as stated above in claim 1, Amin et al. further disclose the primary communication sub-system includes a plurality of base stations (fig. 4/no. 183) connected to a mobile services switching center (fig. 4/no. 180), the MSC is connected to the PSTN and is adapted to control operation of the BSs, and each BS is adapted to support wireless communication link with a plurality of mobile stations and a wire-line communication link with the MSC [0026-0028, 0030-0031, it is

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widely known in the art that such typical base stations support both wireless and wire-line communication. Furthermore, as stated in the specification paragraphs 0004).

As per claims 9 and 22, Amin et al. disclose MSC and the SSC have a service link to coordinate transmissions for a selected mobile station [0026-0028, 0030-0031].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 8, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al. (2002/0094848A1).

As per claims 2, 8, 19, and 23, Amin et al. does not explicitly disclose that such connection of the SSC to the PSTN is either directly or through the MSC. However, such connection is obvious to one of ordinary skill in the art in order to reduce bandwidth and/or cost that provide the most efficient and best transmission path.

5. Claims 10-11 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al. (2002/0094848A1) in view of Zicker (5,774,805).

As per claims 10-11 and 24-25, Amin et al. does not specifically suggested such method of selecting a communication path base upon the detected signal strength of the base station and the STU. However, such teaching is well known in the art, as taught by Zicker (fig. 1, col. 10/ln. 52-col. 11/ln. 19). Therefore, it would have been

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obvious to one of ordinary skill in the art to provide such method, as taught by Zicker, to the communication system of Amin et al. to provide the optimum communication path the subscriber.

Response to Arguments

6. Applicant's arguments filed 06/16/06 have been fully considered but they are not persuasive.

The Applicant's stated that "none of the Amin et al. system units is adapted to perform a respective primary function and supporting a direct wireless communication link". In response to the Applicant, Amin et al. system units adapted to perform direct wireless link (fig. 4/no. 72, where it is clear that that such direct communication is between the mobile station 75 and the transceiver unit 72. Also, each unit (fig. 4/no. 72, 110, 120, 130) has a primary function. Furthermore, the Applicant does not claim a specific primary function, therefore, given the broadest interpretation, Amin et al. reference still reads on the claimed limitation.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-directauspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PABLO N. TRAN
PRIMARY EXAMINER



Av2618

September 12, 2006